

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU

&

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

O.P.No.4438 of 1999(C)

PETITIONER:-

BRIJITHAMMA ABRAHAM,
NEDUMPURATHU, VENKURINJI,
MUKKUTTUTHARA, PIN - 686 510.

BY ADV. SRI.S.M.PRASANTH

RESPONDENTS:-

1. THE DIVISIONAL FOREST OFFICER, RANNY.
2. THE VECHOOCHIRA GRAMA PANCHAYAT,
KUNNAM-VECHOOCHIRA, PATHANAMTHITTA DIST.,
REPRESENTED BY ITS SECRETARY.

R1 BY SEPCIAL GOVERNMENT PLEADER SRI.C.T.RAVIKUMAR.
R2 BY ADV. SRI.ESM.KABEER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

O.P.NO.4438 OF 1999

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 - TRUE COPY OF LICENCE DT.9.6.1989 BY R2 TO THE PETITIONER.

EXT.P2 - TRUE COPY OF ORDER DT.1.2.1999 BY R2.

RESPONDENT'S EXHIBITS:-

NIL.

- TRUE COPY -

H.L.Dattu,C.J. & K.T.Sankaran,J.

O.P.No.4438 of 1999-C

Dated, this the 14th day of August, 2007

JUDGMENT

K.T.Sankaran,J.

The petitioner is running a saw mill on the basis of a licence issued by the 2nd respondent-Panchayat. The challenge in the writ petition is against Exhibit P2 notice issued by the Panchayat on 1.2.1999 cancelling the licence. Exhibit P2 was issued without issuing any show cause notice to the petitioner. No opportunity of hearing was also afforded before passing Exhibit P2 order dated 1.2.1999.

(2) As per order in C.M.P.No.7538 of 1999, interim stay of Exhibit P2 was granted on 22.2.1999 and the stay order continues to be in force. No attempt is seen made by the respondents to get this stay vacated.

(3) In the facts and circumstances of the case and in view of the fact that no notice was issued to the petitioner before passing Exhibit P2 order, the said order is quashed.

(4) This order will not preclude the respondents from initiating appropriate proceedings against the petitioner in accordance with law.

The Original Petition is allowed as indicated above.

C.M.P.No.7538 of 1999 is dismissed.

H.L.Dattu
Chief Justice

K.T.Sankaran
Judge

vkul/-